

IN THE DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

HARVEY STEWART,)
)
)
Plaintiff,)
)
)
v.) CASE NO.: 04-11598-WGY
)
)
R. JAMES NICHOLS, SECRETARY)
U.S. DEPARTMENT OF VETERAN)
AFFAIRS,)
)
)
Defendant.)

Exhibit 2

**Department of
Veterans Affairs****Memorandum**

Date: December 5, 2001
From: Chester P. Swett, MD
Subj: Written Counseling
To: Harvey Stewart

The PATH Program Lead Health Technician has informed me that during a routine review of PATH advocate summaries, it was found that one of your summaries did not contain monthly vital signs on the client assigned to you. This observation led to a review by the Lead Health Technician of the latest summaries on each of the clients assigned to you. Of the summaries reviewed, only one contained monthly vital signs. Since another person's name was listed with the vital signs posted, it would seem to infer that you did not take the vital signs yourself, but were specifically accrediting them as being taken by another person.

On February 16, 2000, all advocates were requested by the Lead Health Technician to post monthly vital signs in their summaries. The taking of vital signs became a requirement of PD 8241A under which you work with the addition of an addendum on March 29, 2000. You refused vital sign education/training and were given the opportunity to negotiate with union representation. Those negotiations supported the need for you to complete the required training and perform vital signs. You completed the training on February 12, 2001. As part of the April, 2001 performance appraisals the importance of this duty was stressed with each advocate.

As aforementioned, the taking of vital signs is a requirement of the PD under which you work. The posting of monthly vital signs in advocate summaries has been assigned as of February 16, 2000. Please, be informed that any refusal to take vital signs and/or post monthly vital signs in the advocate summaries on clients assigned to you will be met with disciplinary action.

Chester P. Swett, Jr. 12/3/01
Chester P. Swett, MD Date
Clinical Director
MHCL - VA BHS / Brockton Division

Mr. Stewart, I refuse to sign the form. 12/3/01

Harvey I. Stewart Jr Date
Health Technician
MHCL/ PATH Program

CPS